

What Is Enforcement? How Will It Impact Me?

LaTonya B. Derrick, Manager
Bureau of Land and Waste Management
Hazardous Waste Enforcement, Data
Management & Planning Section

Enforcement Defined

- ◆ Set of actions taken to:
 - ✦ Achieve compliance within the regulated community
 - ✦ Halt situations that endanger the environment or public health

The Goals of Enforcement

- ◆ Correct violations as quickly as possible
- ◆ Deter future violations
- ◆ Treat the regulated community fairly by addressing “like” violations similarly
- ◆ Punish serious, willful wrongdoers through penalties
- ◆ Promote fairness to those who willingly comply

Enforcement can include:

- ◆ Inspections
- ◆ Informal/Formal Conferences
- ◆ Negotiations
- ◆ Penalties

Inspections

- ◆ Designed to assess compliance status
- ◆ Usually unannounced
- ◆ Evidence can be collected
- ◆ *“Show the Flag”*

Enforcement Conferences

Informal Conference

- ◆ Invitation extended via *Notice of Alleged Violation/Notice of Enforcement Conference*
- ◆ Attended by person(s) authorized to make decisions on behalf of the Company as well as technical staff and/or legal counsel

Enforcement Conferences

- ◆ Information exchange between Company Representatives, Inspector(s) and other Technical Staff, and Enforcement Project Manager
- ◆ Company should expect a fair evaluation of the issues of concern

Negotiations

- ◆ Opportunity to obtain additional information and correct misinterpretations
- ◆ Opportunity to reach a solution that satisfies all parties

Penalties

- ◆ Monetary
- ◆ Denial or revocation of permits or licenses
- ◆ Shutdown of Operations until compliance is achieved

Enforcement Outcomes

- ◆ No Further Action
- ◆ Warning Letter
- ◆ Consent Order / Consent Agreement
- ◆ Administrative Order

Consent Orders / Agreements

- ◆ Legally binding, negotiable document

- ◆ Includes:

- ◆ Findings of Fact – description of violation
- ◆ Conclusions of Law – applicable statutory and/or regulatory citation violated
- ◆ Compliance Schedule – activities designed to return company to full compliance

Administrative Orders

- ◆ Issued when an agreement on the terms of a Consent Order / Agreement cannot be reached
- ◆ Appeals before the Board of Health and Environmental Control
- ◆ Appeals before the Administrative Law Court

Questions?

Contact Information

LaTonya B. Derrick

(803) 896-4156

DerricLT@dhec.sc.gov